

PLEASE CLICK ON THE COUNTY OF LOS ANGELES SEAL
TO RETURN TO THIS PAGE

[CLICK HERE FOR THE CHIEF EXECUTIVE OFFICER'S REPORT DATED JUNE 24, 2016](#)

[CLICK HERE FOR THE CHIEF EXECUTIVE OFFICER'S REPORT DATED SEPTEMBER 30, 2016](#)



SACHI A. HAMAI
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

June 24, 2016

To: Supervisor Hilda Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Sachi Hamai 
Chief Executive Officer

GENDER IDENTITY AND GENDER EXPRESSION (ITEM NO. 13, AGENDA OF APRIL 26, 2016)

On April 26, 2016, your Board instructed the Chief Executive Officer (CEO) to:

1. Suspend all travel to the State of North Carolina for the conduct of County business unless the Chief Executive Officer determines that the failure to authorize such travel would seriously harm the County's interests;
2. Send a five-signature letter to the Governor of North Carolina, and to the North Carolina Assembly and Senate, communicating the County's ban and calling for the immediate repeal of North Carolina House Bill 2 (HB2); and
3. In consultation with the Los Angeles County Commission on Human Relations, report back in 60 days with recommendations regarding any current County policies that should be updated to reflect current legal standards with respect to gender identity or gender expression, including the provision of All-Gender Restrooms, and recommendations, if any, for revising these policies to be more inclusive and honoring of lesbian, gay, bisexual, transgender, or queer (LGBTQ) individuals.

This report provides an update on the implementation of each of the Board's directives.

"To Enrich Lives Through Effective And Caring Service"

Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only

North Carolina Travel Suspension

Our office worked with the Auditor-Controller to implement the travel suspension and help departments avoid inadvertently scheduling unapproved travel through the County TravelStore to North Carolina that would violate the Board's directive. Our office sent a memo to all department heads on April 29, 2016 informing them of the travel suspension and provided additional implementation details to all department Chief Deputies and Administrative Deputies. The travel suspension is now in effect and will remain until HB2 is repealed.

Letters to North Carolina State Officials

Our office prepared letters that were signed by four members of your Board and sent to the North Carolina Governor, President Pro Tempore of the State Senate, and Speaker of the House. The letters requested the immediate repeal of HB2 and expressed your Board's concern about the impact this legislation would have on the LGBTQ community. The letter also notified the state officials about the travel suspension that prohibits County employees from traveling to North Carolina on County business.

County Policies Relating to Gender Identity and Gender Expression

CEO convened a work group that included representatives from the Human Relations Commission, County Counsel, Department of Human Resources (DHR), and County Equity Oversight Panel (CEOP) to review current County policies and the legal standards with respect to gender identity and gender expression. The work group has begun meeting to discuss existing County policies and identify any revisions that are currently needed.

In July 2015, DHR issued Gender Nondiscrimination Guidelines to all County departments to assist managers and supervisors in addressing common issues relating to transgender employees in the workplace. These Guidelines reflected updates to California law that expanded the definition of "sex" to include gender identity and gender expression as part of the protected categories. These Guidelines provide a valuable tool to departments, but are not a countywide policy. The work group is currently reviewing the Guidelines and other countywide policies and procedures to identify any gaps that would benefit from additional or expanded policies. Attachment I provides a preliminary review of current countywide policies, procedures, and guidelines that relate to gender non-discrimination.

The work group recognized that educating County employees is a critical element of implementing new policies and guidelines. Currently, DHR's Workforce Education Development Division incorporates gender non-discrimination curriculum into training and education programs such as Sexual Harassment Prevention, County Policy or

Equity, Employment Discrimination Prevention for Supervisors, Americans with Disabilities Act Guidelines for Reasonable Accommodation, and Diversity for the 21st Century. These training programs have already stimulated discussion and awareness among employees attending these trainings.

All categories protected under state and federal employment laws are covered by the County Policy of Equity. CEOP is currently reviewing a new law that took effect on April 1, 2016 requiring that all protected categories under federal and state laws are enumerated in equity policies amongst other changes. Updates to the County's Policy of Equity would be brought to the Board for review and approval.

The Human Relations Commission is leading the effort to develop a process for obtaining stakeholder feedback from the LGBTQ community regarding proposed policy options relating to gender identity and gender expressions. County Counsel is providing expert analysis to review current and proposed policy language.

The work group's initial focus is on policies that impact County employees in the workplace, but the work group also recognizes that additional work will be required to review: (1) interactions between County employees and the public; and (2) interactions between members of the public within County facilities.

Conclusion

Parts 1 and 2 of the Board motion have been implemented. The work group is requesting additional time to complete Part 3 of the motion which includes developing the policy options for the Board's consideration and obtaining feedback from stakeholders. The work group is requesting an extension to September 30, 2016 to complete the report for your Board.

If you have any questions or need additional information, please contact me, or your staff may contact Sid Kikkawa at (213) 974-6872, or via e-mail at skikkawa@ceo.lacounty.gov.

SAH:JJ
SK:KS:alc

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Auditor-Controller
Community and Senior Services
Human Resources

GENDER NONDISCRIMINATION RELATED COUNTY CODES, POLICIES AND GUIDELINES

	Applicability	Work Group Comments	Responsible Department
County Codes		--County Code 5.09.010 Policy Statement --County Code 5.09.020 Definitions --County Code 5.09.030 Scope of coverage --County Code 5.08.020—Director of Personnel and EEO Compliance Officer –Responsibility and Authority	DHR
Countywide Policies, Procedures and Guidelines (PPGs)			
PPG 812 County Policy of Equity	Employees	Also addresses “Third-Person Harassment.”	BOS/Executive Office (County’s Intake Specialist Unit) DHR (County’s Equity Investigations Unit)
PPG 812R Gender Nondiscrimination Guidelines	Employees	Currently is a Guideline under the broad scope of CPOE policy.	DHR and BOS
PPG 1041 Inappropriate Employee Conduct Toward Members of the Public	Employees/ Public	Sets minimum standards for employees’ interactions with the public.	DHR and Departments
PPG 1042 Inappropriate Employee Conduct of a Sexual Nature Toward or in the Presence of Members of the Public	Employees/ Public	Could be used as a framework for a policy of nondiscrimination based on Gender Identity and Gender Expression to the public.	DHR and Departments
Board of Supervisors Policies			
BOS Policy 3.060 Non-Discrimination on the Basis of Disability	Public	Enforces Title II of the ADA, public access to facilities and programs.	CEO
BOS Policy 9.010 Equal Employment Opportunity Non-Discrimination Policy Statement and Poster	Employees	Non-discrimination in employment.	DHR
BOS Policy 9.015 County Policy of Equity	Employees	Also addresses “Third-Person Harassment.”	BOS/Executive Office DHR
BOS Policy 9.020 Employee Accountability	Employees	Holds employees accountable for their actions.	DHR, Department Heads, and CEO
BOS Policy 9.101 Sexual Harassment Prevention Training for County Employees	Employees	Signs acknowledgement understanding of CPOE and Sexual Harassment policies.	DHR
BOS Policy 9.102 Discrimination Prevention Training for Managers and Supervisors	Employees	Training programs for supervisors and managers on discrimination, harassment, discipline and effective mgmt. techniques.	DHR



SACHI A. HAMAI
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

September 30, 2016

To: Supervisor Hilda Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Sachi A. Hamai
Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

GENDER IDENTITY AND GENDER EXPRESSION (ITEM NO. 13, AGENDA OF APRIL 26, 2016)

On April 26, 2016, the Board instructed the Chief Executive Officer (CEO) to:

1. Suspend all travel to the State of North Carolina for the conduct of County business unless the Chief Executive Officer determines that the failure to authorize such travel would seriously harm the County's interests;
2. Send a five-signature letter to the Governor of North Carolina and to the North Carolina Assembly and Senate communicating the County's ban and calling for the immediate repeal of North Carolina House Bill 2 (HB2); and
3. In consultation with the Los Angeles County Commission on Human Relations, report back in 60 days with recommendations regarding any current County policies that should be updated to reflect current legal standards with respect to gender identity or gender expression, including the provision of All-Gender Restrooms, and recommendations, if any, for revising these policies to be more inclusive and honoring of lesbian, gay, bisexual, transgender, or queer (LGBTQ) individuals.

On June 24, 2016, our office submitted the first update to the Board reporting that parts 1 and 2 of the motion had been completed (Attachment I). Our office also requested an extension to September 30, 2016 to complete part 3 of the motion. CEO convened a workgroup that included representatives from Community and Senior Services – Commission on Human Relations, County Counsel, Department of Human Resources (DHR) and the County Equity Oversight Panel to address County policy issues. This final report provides the workgroup's response to part 3 of the motion.

"To Enrich Lives Through Effective And Caring Service"

***Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only***

County Policies

The County workgroup reviewed current County policies and the legal standards with respect to gender identity and gender expression. The workgroup recommended and has already initiated three actions relating to countywide Policies, Procedures and Guidelines (PPG) and Board policy:

- Drafting PPG 813, *Gender Identity and Gender Expression Nondiscrimination Policy* to replace the County's current *Gender Nondiscrimination Guidelines* with an official policy;
- Revising PPG 1042 *Inappropriate Employee Conduct of a Sexual Nature* to include inappropriate conduct with the members of the public on gender; and
- Updating the Board of Supervisors Policy 9.015 *County Policy of Equity* to specifically reference protections for gender identity and gender expression.

DHR is leading the process to complete the new PPG 813 and revised PPG 1042. The current Gender Nondiscrimination Guidelines are in compliance with recent amendments to the California Fair Employment and Housing Act (FEHA) which expand the definition of "sex" to include several terms regarding gender discrimination, as part of the protected categories, such as "gender expression" (a person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth), "gender identity" (a person's identification as male, female, a gender different from the person's sex at birth or transgender), and "transgender" (a general term for a person whose gender identify differs from the person's sex at birth). The new PPG 813 will clarify the importance of complying with requirements related to gender identity and gender expression issues.

The County Equity Oversight Panel is currently working on an update to the County Policy of Equity in order to be in compliance with current requirements under the FEHA. The update will include specific language articulating each group protected by the Act, including gender identity and gender expression. The update will also include further amendments as required by new FEHA regulations effective April 1, 2016. Any changes to the County Policy on equity will be brought to the Board for review and approval.

Training

DHR currently includes gender identity and gender expression in their non-discrimination trainings such as County Policy of Equity Training, Sexual Harassment Prevention Training (SHPT), and Employment Discrimination Prevention Training. County Policy of Equity Training and SHPT are mandatory trainings for supervisory and non-supervisory personnel. DHR continues to monitor and strive for increasing countywide training compliance in order to heighten awareness and educate the County's workforce on employment discrimination of protected groups as defined by the State and federal employment laws. DHR is now developing a *Transgender Awareness* instructor-led course to be available in December 2016. The course

will be piloted by one department. After the pilot program, the course will be available to all County departments.

All-Gender Restrooms

CEO and DHR conducted a survey of restroom facilities in County-occupied buildings to identify the number of male/female/gender neutral restrooms, number of stalls in each restroom, number of single-user restrooms, and whether the restroom is accessible to the public, staff, or both. County facilities currently have some single-user toilet facilities that are designated as “all-gender,” but the vast majority of restroom facilities specify a single gender. DHR also conducted a more intensive review of restroom facilities in the buildings they occupy and identified planning opportunities to incorporate all-gender restrooms in their future facilities. Under current California State law, individuals must be allowed to select and use the restroom corresponding to their gender identity.

The California Legislature recently passed Assembly Bill (AB) 1732 (Ting), which would require that all single-user restrooms be labeled as all-gender in any business establishment, place of public accommodation, or State or local government agency. As of the drafting of this report, the bill was pending on Governor Brown’s desk. If AB 1732 is signed into law by September 30, 2016, it would require that the County label all single-user restrooms with only one toilet and/or urinal and one sink, and a door that the user can lock as all-gender restrooms. The bill would not apply to restrooms having multiple stalls that serve multiple individuals at a time. It also would not require single-user restrooms to be installed or constructed where none currently exist. To meet the requirements of AB 1732, the County would need to change the signage of all gender specific single-user toilet facilities to reflect “all gender.” If signed by the Governor, the requirements set forth in AB 1732 would become operative on March 1, 2017.

Stakeholder Feedback

The Commission on Human Relations is leading the effort to obtain stakeholder feedback from LGBTQ individuals. The County has conducted two focus groups with stakeholders from the transgender and gender nonconforming community. The stakeholders expressed appreciation that the County is gathering their input and provided valuable information, experiences, and perspectives through the focus groups. Respondents at the focus groups identified some areas of County success in serving transgender individuals, but also shared numerous accounts of obstacles for transgender individuals experienced when trying to access County services. Training County employees on transgender and gender nonconforming issues was identified as an important step in helping improve the experience of transgender individuals in the workplace and when they are accessing County services. The policies, training, and possible implementation of AB 1732 as detailed earlier in this report are a first step towards addressing some of the concerns expressed in the focus groups, but on-going work will need to be undertaken by departments to address specific issues related to service areas and existing processes.

Actions and Additional Recommendation

The workgroup has already taken action in the following areas in response to the Board's motion:

- Drafting PPG 813, *Gender Identity and Gender Expression Nondiscrimination Policy* to replace the County's current *Gender Nondiscrimination Guidelines* with an official policy;
- Revising PPG 1042 *Inappropriate Employee Conduct of a Sexual Nature* to include inappropriate conduct with the members of the public on gender;
- Updating the Board of Supervisors Policy 9.015 *County Policy of Equity* to specifically reference protections for gender identity and gender expression;
- Expanding training opportunities for departments to increase transgender awareness among County employees; and
- Monitoring AB 1732 and preparing for the possible impact on County restroom facilities.

The workgroup determined that there is a need for additional feedback and input from the LGBTQ stakeholders regarding issues impacting the transgender and gender nonconforming community. The workgroup recommends the County establish an advisory body consisting of stakeholders and members of the transgender and gender nonconforming community to provide additional feedback to the County on important issues of access to County services. The advisory body could take the form of a County Commission or as an advisory group that is regularly convened by an existing Commission or department. Board action would be required to establish this body as an official County advisory group.

If you have any questions or need additional information, please contact me, or your staff may contact Kirk Shelton at (213) 974-1176 or via e-mail at kshelton@ceo.lacounty.gov.

SAH:JJ:SK
KS:cg

Attachment

c: Executive Office, Board of Supervisors
 County Counsel
 Community and Senior Services
 Human Resources